

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

MARCIA STENZEL,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 5:15-CV-06042-BCW
)	
CRED X DEBT RECOVERY, LLC,)	
)	
Defendant.)	

ORDER AND JUDGMENT

Before the Court is Plaintiff's Motion for Default Judgment (Doc. #10). The Court, being duly advised of the premises, grants said motion and enters judgment against Defendant as follows:

1. Plaintiff filed this lawsuit on March 31, 2015, asserting eight counts of violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et al.* ("FDCPA"). (Doc. #1).
2. Plaintiff served Defendant's registered agent with a summons and a copy of the complaint pursuant to Fed. R. Civ. P. 4(h) on April 16, 2015. See Doc. #4.
3. On May 28, 2015, Plaintiff filed a motion for entry of default for failure to timely answer or otherwise respond to the complaint. (Doc. #5).
4. On June 17, 2015, the Court entered an Order Directing Defendant to Show Cause Why Default Should Not Be Entered, instructing Defendant to show cause in writing on or before July 7, 2015, indicating why Plaintiff's motion for entry of default should not be granted. (Doc. #6). A copy of the show cause order was sent by certified mail to Defendant, and the return of service was filed on June 25,

2015. (Doc. #7).

5. Defendant did not respond to show cause order by the stated deadline. On July 17, 2015, the Clerk of the Court entered default against Defendant for failure to plead or otherwise defend against Plaintiff's claims, pursuant to Fed. R. Civ. P. 55(a). (Doc. #8).
6. After the issuance of the Entry of Default (Doc. #8), the Court directed Plaintiff to file a motion for default judgment against Defendant on or before August 11, 2015. (Doc. #9).
7. Plaintiff timely filed a Motion for Default Judgment with supporting suggestions and attached exhibits. (Doc. #10). Defendant did not respond to Plaintiff's motion, and there has been no other recent activity in this case.

Based on this procedural history and a review of Plaintiff's motion for default judgment and supporting materials, the Court concludes that default judgment against Defendant is proper under the circumstances. The Court therefore finds that Defendant violated the FDCPA related to the subject debt, as follows: (a) engaging in communication in spite of Defendant's knowledge that Plaintiff was represented by an attorney; (b) conducting itself in a manner the natural consequence of which was to harass, oppress, and/or abuse in connection with the subject debt; (c) engaging in collection efforts without meaningful disclosure of the caller's identity and/or using false, deceptive, and/or misleading representation or means in its collection efforts; (e) failing to disclose in every communication with Plaintiff that the communication was from a debt collector; and (f) engaging in unfair or unconscionable means in connection with its debt collection efforts.

"Any debt collector who fails to comply with any provision of [the FDCPA] with respect

to any person is liable to such person in an amount equal to the sum of: (1) any actual damages sustained by such person as a result of such failure; (2)(A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000” and (3) reasonable attorneys’ fees and court costs as determined by the Court. 15 U.S.C. § 1692k(a)(1), (a)(2)(A), (a)(3) (2015).

Based upon a review of the record, the applicable law, and the Court’s findings above, judgment is hereby entered against Defendant, in the following amounts: (1) \$5,000 in actual damages; (2) \$1,000 in statutory damages; (3) \$2,530 in reasonable attorneys’ fees; and (4) \$436 in court costs. Accordingly it is hereby

ORDERED, ADJUDGED, AND DECREED Plaintiff’s Motion for Default Judgment (Doc. #10) is GRANTED. Judgment is entered in favor of Plaintiff Marcia Stenzel and against Defendant Credit X Debt Recover in a total amount of \$8,966.00.

IT IS SO ORDERED.

DATED: October 22, 2015

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT